



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Jeffery McShane

LOCATION OF PROPOSAL: 9537 Lake Washington Blvd. NE

DESCRIPTION OF PROPOSAL: Demolish an existing pier and construct a new pier with 520 square feet of overwater coverage and installation of a new boat lift in Lake Washington. Sixty-four linear feet of an existing concrete bulkhead will be removed and replaced with a gravel beach cove. Twenty-four linear feet of the existing concrete bulkhead will be replaced with a rockery bulkhead. All decking will be open grating and native planting is proposed along the shoreline.

FILE NUMBERS: 19-109780-WG **PLANNER:** Reilly Pittman

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **4/9/2020**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Heidi Bedwell, Environmental Planning MGR for
Elizabeth Stead, Land Use Director and

Environmental Coordinator

3/26/2020
Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☒ State Department of Fish and Wildlife
- ☒ State Department of Ecology, Shoreline Planner N.W. Region
- ☒ Army Corps of Engineers
- ☒ Attorney General
- ☒ Muckleshoot Indian Tribe



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	19-109780-WG
Proposal Name:	McShane Pier and Beach Cove
Proposal Address and Location:	9537 Lake Washington Blvd. NE
Water Body:	Lake Washington
Shoreline Environment Designation:	Shoreline Residential
Proposal Description: Land Use review of a Shoreline Substantial Development Permit to demolish an existing pier with 600 square feet of overwater coverage and construct a new pier with 520 square feet of overwater coverage with open grating and a new boat lift. Included is removal of 64 linear feet of an existing concrete bulkhead and replacement with a gravel beach cove and replacement of 24 linear feet of the bulkhead with a new rock bulkhead. Upland improvements proposed include construction of retaining walls and rockery that are less than 30 inches in height and a paver pathway to access the pier and beach cove. Native vegetation is proposed to be planted along the shoreline.	
Applicant: <input checked="" type="checkbox"/> Applicant owns property Jeffrey McShane, 9537 Lake Washington Blvd. NE, Bellevue, WA 98004	
Applicant Representative: Evan Wehr, Ecco Design Inc, 203 N 36 th St, Ste. 201, Seattle, WA 98103, 206-706-3937, evan@eccodesigninc.com	
Application Date:	April 4, 2019
Notice of Application Date:	May 9, 2019
Notice of Decision Date:	March 26, 2020

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

April 9, 2020

Heidi Bedwell, Environmental Planning MGR for

Elizabeth Stead, Environmental Coordinator

Development Services Department

Decision on SSDP:

Approval with Conditions

Michael A. Brennan, Director

Development Services Department

By: *Heidi Bedwell, Environmental Planning MGR for*

Reilly Pittman, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

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Attachments to this Decision

Project Plans

No Net Loss of Ecological Function Analysis

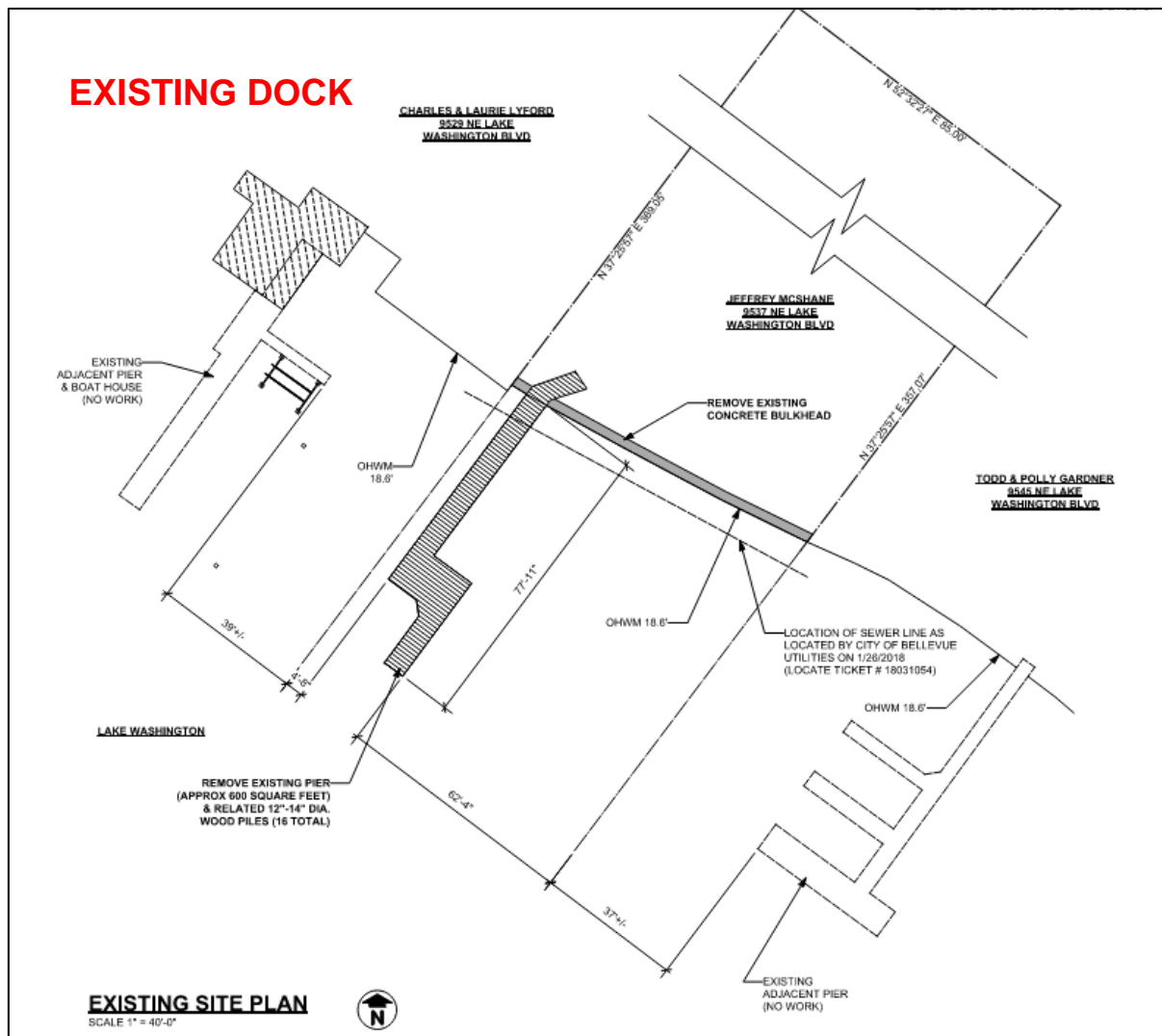
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

I. Proposal Description

The proposal is to demolish an existing pier with 600 square feet of overwater coverage and construct a new pier with 520 square feet of overwater coverage, open grating dock surface and a new boat lift. Included is removal of 64 linear feet of an existing concrete bulkhead and replacement with a gravel beach cove and replacement of 24 linear feet of the bulkhead with a new rock bulkhead. Upland improvements proposed include construction of retaining walls and rockery that are less than 30 inches in height and a paver pathway to access the pier and beach cove. Native vegetation is proposed to be planted along the shoreline. **See Attachment 1 for project plans and Figure 1 below for the existing and proposed dock.**

Figure 1



The site is located on Lake Washington and has a shoreline environment designation of SR, Shoreline Residential. The existing shoreline between the house and OHWM is comprised of ornamental vegetation, lawn, and minor landscaping improvements. **See Figure 2 for existing site condition.**

Figure 2



B. Zoning and Land Use Context

The property is zoned R-1.8 a single-family residential zoning district. Surrounding properties are also zoned R-1.8 and R-3.5 and developed with single-family residences and docks. The property has a Comprehensive Plan Land Use Designation of SF-L (Single Family Low Density). The project is consistent with this land use designation.

C. Shoreline Environment and Functions

The site is in the Shoreline Residential shoreline environment designation.

Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an

integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed that are subject to zoning requirements.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met. Repair and removal of existing stabilization as mitigation is allowed per LUC 20.25E.080.

i. Consistency with LUC 20.25E.065.H

Each application for a new or reconfigured residential dock shall comply with the requirements in LUC 20.25E.065.H.4 or as amended by approval from the US Army Corps of Engineers under Section 404 or Section 10 or by the Washington Department of Fish and Wildlife HPA as follows:

Dock Location: Lake Washington		
Development Standard	Required by LUC 20.25E.065	Proposed Standards
Number of Docks Allowed	1 per residential lot	1 proposed
Dock Side Setback	10' or as established per mutual agreement	Complies
Maximum Dock Length	150'	80'
Maximum Dock Size	480 square feet	520 square feet Approval through Federal Permit
Maximum Walkway Width	4' within 30' of OHWM 6' beyond 30' from OHWM	4' within 30' of OHWM
EII Location vs Depth	30' waterward of OHWM or at least 9' of water depth	Complies

Mooring Piles	2 per lot	None Proposed
Decking	Grated	Open Grating Proposed
Number of Lifts	4 allowed per lot	1 Lift Proposed

ii. General Requirements Applicable to all Residential Docks

- a. **Dock Materials.** Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives is allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds. Preservative and surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.
- b. **Dock Lighting.** Dock lighting for the purpose of illuminating the dock surface for safety is allowed when the illuminating fixtures are limited to the minimum height necessary above the dock surface, or screened to provide the intended function of walkway illumination, without allowing light emissions to spill outside of the dock surface.

Finding: The proposal will comply with dock material requirements and all piles are proposed to be steel. No lighting is proposed. The submitted project description and code narrative states the requirements for dock materials and lighting will be met. **See Conditions of Approval regarding building permit submittal in Section X of this report.**

iii. Consistency with LUC 20.25E.080.F

Shoreline stabilization measures designed to protect existing primary structures, public facilities, or public use structures from shoreline erosion are allowed in the shoreline at or above ordinary high water mark only in compliance with this subsection F.

Removal of Existing Shoreline Stabilization. Shoreline stabilization measures may be voluntarily removed in support of shoreline mitigation or restoration when the proposal meets the following applicable requirements:

- a. The area impacted by removal is restored or replanted pursuant to an approved mitigation plan (refer to LUC 20.25E.060.D), designed, located,

sized and constructed to ensure no net loss of ecological function.

Finding: The existing dock is to be replaced with a smaller dock, the bulkhead is to be removed and replaced with a beach cove and rockery wall, upland of the OHWM. The shoreline is proposed to be planted with native vegetation. The applicant submitted a report prepared by Northwest Environmental Consulting that assesses the proposal for no net loss of ecological functions. The report finds that the combined reduction of overwater coverage by the dock, removal of the bulkhead, installation of a gravel beach, and proposed planting will have a net increase of ecological function of the nearshore environment above the existing site. As a result, the project will result in no net loss of ecological function despite the dock not following the proscriptive standards of LUC 20.25E.065.H.

b. The impact on adjacent properties is minimized and existing stabilization structures are protected;

Finding: The proposal will replace 24 feet of the existing concrete bulkhead with a rockery bulkhead to tie into the existing stabilization on the adjacent property to the west. The replacement rockery bulkhead will be in the same location as the existing concrete bulkhead. This portion of the rockery bulkhead complies with LUC 20.25E.080.F.6.f for comparable design. To transition the grade, a small rockery is proposed across the width of the property and forms the beach cove. This rockery ties into stabilization on the property to the east. This design minimizes and avoids impacts to adjacent property.

c. The applicant records an agreement recognizing that the installation of future hard stabilization is prohibited.

Finding: The applicant will be required to record an agreement that prohibits future hard stabilization. The agreement will be supplied by the City and provided when the building permit application is submitted. The agreement is required to be recorded prior to building permit issuance. **See Conditions of Approval for agreement in Section X of this report.**

d. Short-term construction impacts are minimized through the use of appropriate best management practices to minimize impacts to water quality, appropriate timing restrictions, and stabilization of exposed soils following construction.

Finding: Construction impacts will be minimized through use of BMPs that are reviewed by the clearing and grading division as part of the building permit application. In-water work is regulated by the US Army Corps under the federal permit required. **See Conditions of Approval regarding building permit submittal in Section X of this report.**

IV. Public Notice and Comment

Application Date:	April 4, 2019
Public Notice Date:	May 9, 2019
30-Day Comment Period End:	June 10, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on May 9, 2019. It was mailed to property owners within 500 feet of the project site. Comments were received from the Department of Ecology regarding the proposed dock and deviation of dock standards through approval by the US Army Corps. DOE commented that while deviation from the proscriptive dock standards in LUC 20.25E.065.H is allowed, that the deviation is not subject to the presumption of no net loss of ecological function that applies to projects following the proscriptive standards of LUC 20.25E. As discussed above, the applicant provided an assessment of no net loss that found the combination of the reduced overwater coverage of the new dock, removal of 64 feet of bulkhead, creation of a beach cove, and shoreline planting would improve ecological function of the nearshore. This improvement ensures that the proposal results in no net loss of ecological function.

DOE also commented that the improvements proposed in the shoreline setback were inconsistent with the setback requirements. The improvements proposed are not structures and are less than 30 inches in height and are allowed within the 50-foot setback which applies to structures as defined in LUC 20.25E.280.

DOE commented that the proposed pier walkway exceeds the width allowed in the code. The pier walkway width can be deviated through USACE approval, provided there is no net loss which has been demonstrated. However, the proposed pier walkway width complies with the 4-foot width limit. The wider element of the dock can be classified as an ell, which does not have dimensions or design requirements specified in LUC 20.25E.065. This eight foot wide section is also more than 30 feet from the OHWM, which is where the ell is required to be located. Based on the combination of mitigation elements provided this proposal results in no net loss of ecological function as required for approval.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application. Clearing and Grading review will be required under the future building permit.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction. The proposal is subject to applicable sediment control requirements as required by clearing and grading review.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it meets City standards, the proposed pier is allowed. The entire dock is proposed to be fully grated which will allow for increased light penetration. The proposed dock is also smaller and has less overwater coverage. The removal of the existing concrete bulkhead and creation of a beach cove will remove shading of the nearshore and improve fish habitat. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval for federal and state permits in Section X of this report**

C. Plants

Planting is proposed along the shoreline consisting of trees and shrubs as found on the submitted plans as attachment 1. Existing vegetation removed will consist of lawn and ornamental vegetation.

VII. Changes to Proposal Due to Staff Review

The applicant provided analysis to show the proposal results in no net loss of ecological function to address the comments from DOE.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposed dock replacement does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH 16, and SH-18.

POLICY SH-16. *Discourage structures using materials which have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.*

POLICY SH-18. *Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions*

The proposed dock is consistent with this goal in the allow residential use of the shoreline and will be constructed with materials suitable for in-water construction and would not have an adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the replacement of the existing pier and creation of a beach cove at 9537 Lake Washington Blvd. NE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Jeremy Rosenlund, 425-452-7683
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department

- 2. Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work.

Authority: Land Use Code 20.25E.065

Reviewer: Reilly Pittman, Development Services Department

- 3. In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington. The allowed work window where work can occur in water for this property is from July 16th to April 30th, subject to change by US Army Corps regulation. No work may occur between May 1 through July 15th.

Authority: Land Use Code 20.25E.160

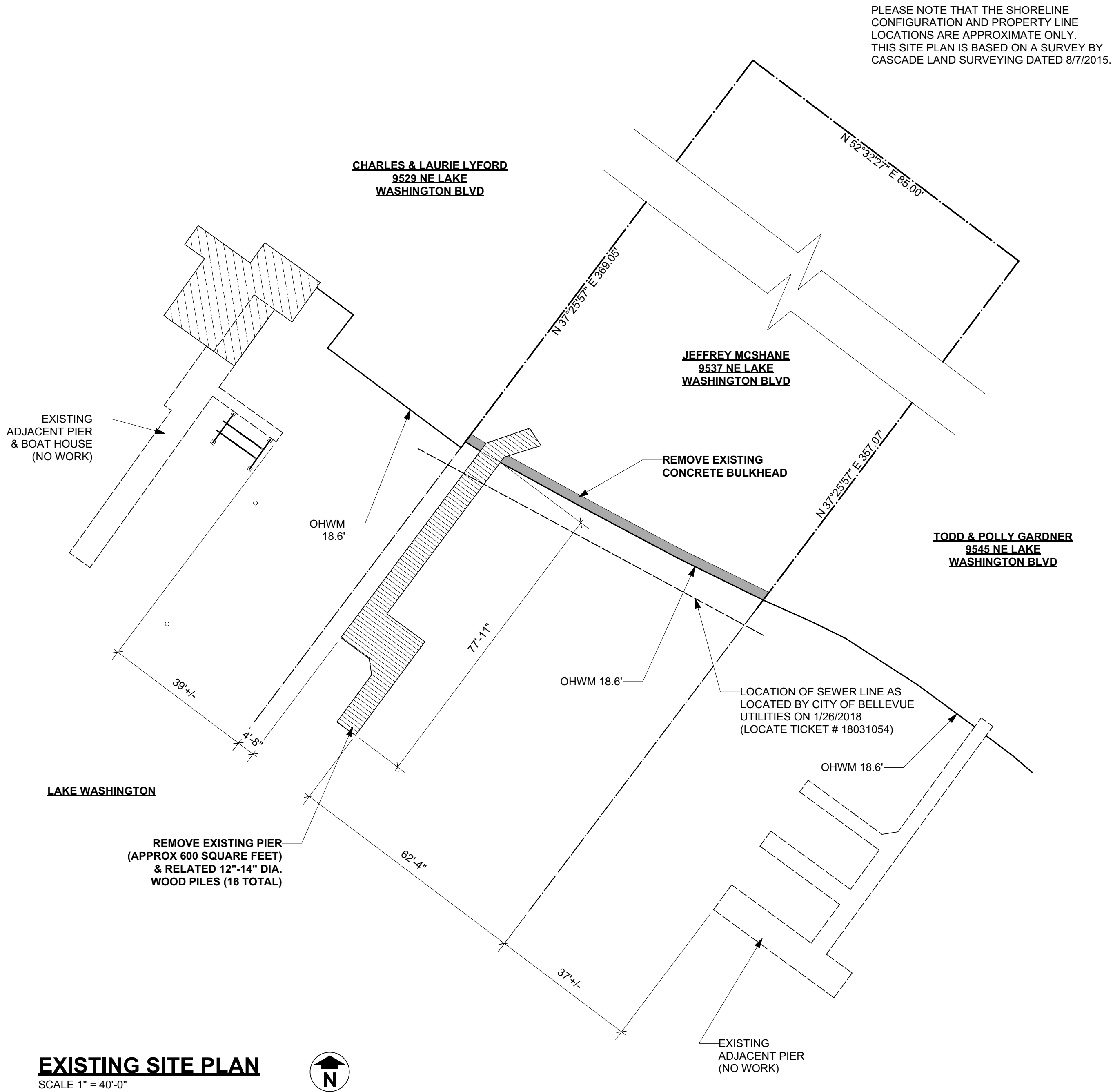
Reviewer: Reilly Pittman, Development Services Department

- 4. Agreement on Hard Stabilization Prohibition**

The applicant shall submit an agreement in a form approved by the City Attorney which prohibits future construction of hard stabilization on the subject site in accordance with LUC 20.25E.080. The agreement is required to be recorded with King County prior to building permit issuance. Staff will provide the applicant with the agreement form.

Authority: Land Use Code 20.25E.080.F

Reviewer: Reilly Pittman, Development Services Department



Best Management Practices

1. In water work shall be restricted to work windows established by Washington Department of Fish and Wildlife and US Army Corps of Engineers.
2. No stockpiling or staging of material will occur below OHW.
3. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.
4. No waste material, including material associated with treated wood decks, will enter the waterbody.
5. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
6. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
7. All equipment that will operate over water or below OHWM or MHHW will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or MHHW.
8. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.

9. Work done by barge will be done with a crane and a guide on the end of the barge for placement of the piling in specific locations. The working barge will be kept in place with steel spuds or large steel piles that act as anchors at each corner of the barge to prevent the barge from grounding out. The barge will not ground or rest on the substrate or be over or within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).
10. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
11. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
12. A written spill prevention, control, and countermeasures plan will be prepared for activities that include the use of heavy equipment. The plan will describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit will be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
13. Treated wood and other material shall be the least toxic according to industry standards. Treated wood used shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling.

PROJECT INFORMATION

OWNER:
JEFFREY MCSHANE

SITE ADDRESS:
9537 NE LAKE WASHINGTON BLVD
BELLEVUE, WA 98004

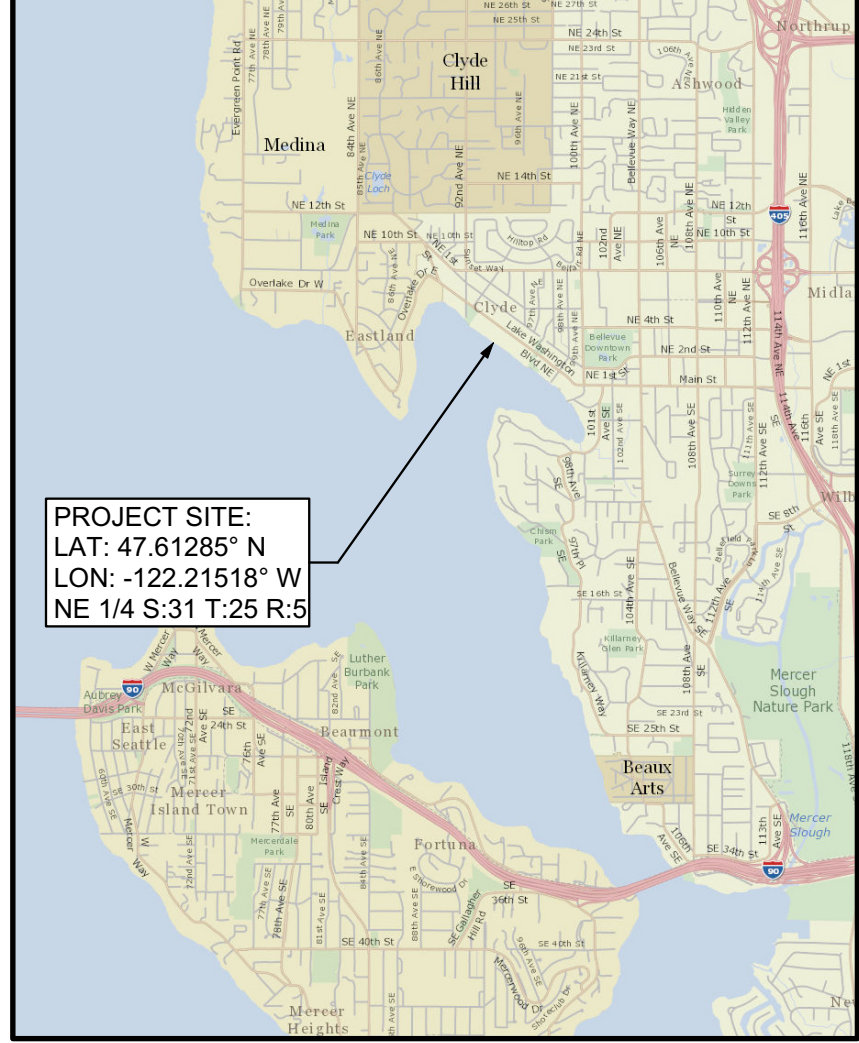
PARCEL NUMBER:
4389200840

BODY OF WATER:
LAKE WASHINGTON

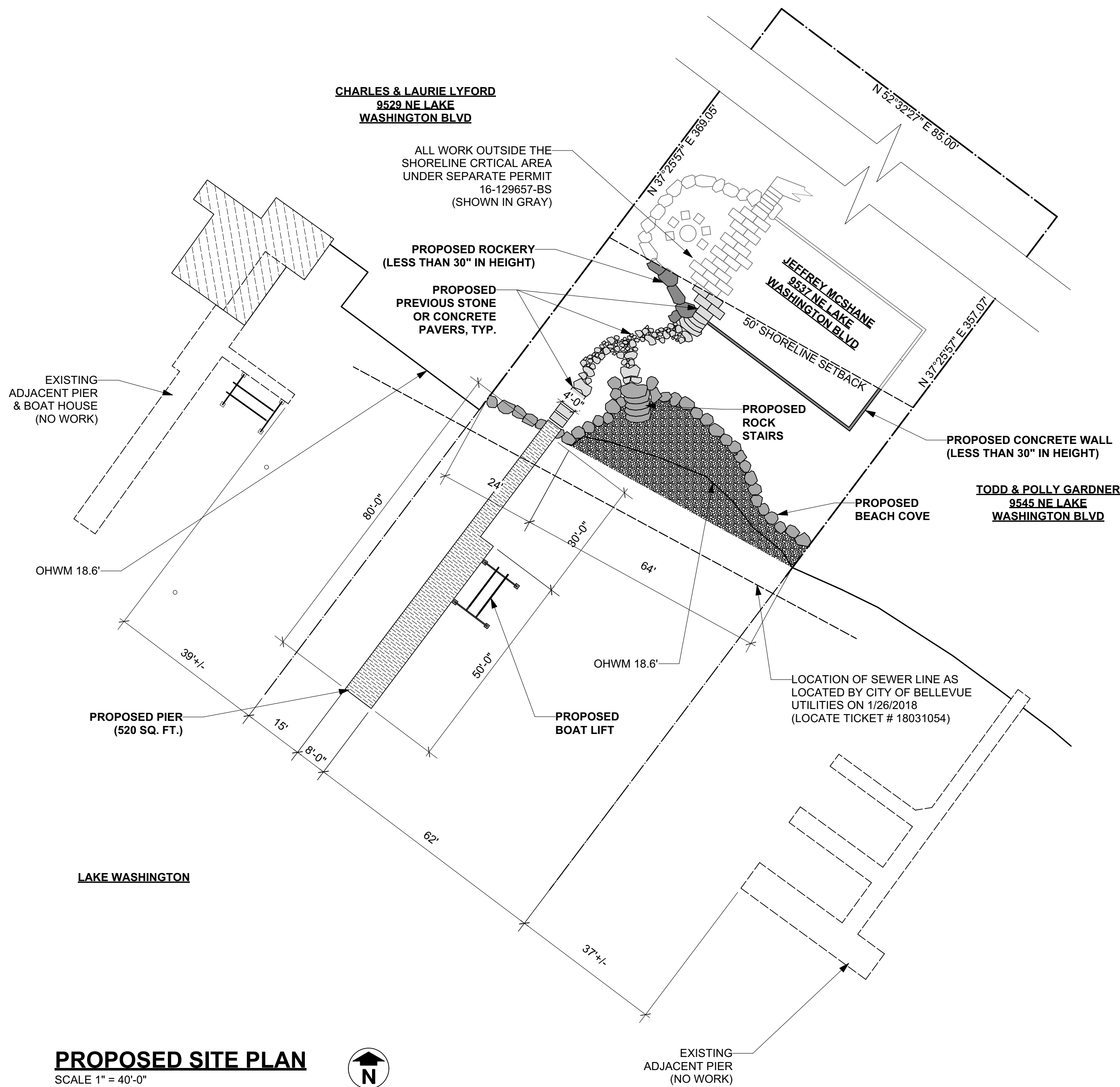
LEGAL DESCRIPTION:
LOCHLEVEN POR LY SWLY OF LK WASH BLVD & SH LDS ADJ
PLAT BLOCK: 15
PLAT LOT: 11

PROJECT DESCRIPTION:
DEMO AN EXISTING 600 SQUARE FOOT PIER AND CONSTRUCT A NEW 520 SQUARE FOOT PIER. THRUFLOW GRATED DECKING WITH 42% OPEN SPACE WILL BE INSTALLED ON THE ENTIRE SURFACE OF THE PIER. INSTALL A NEW BOAT LIFT. REMOVE 64 LINEAL FEET OF AN EXISTING CONCRETE BULKHEAD AND CONSTRUCT A BEACH COVE. REPLACE A 24 LINEAL FOOT SECTION OF AN EXISTING CONCRETE BULKHEAD WITH A ROCK BULKHEAD. INSTALL RETAINING WALLS LESS THAN 30" IN HEIGHT AND A PERVIOUS PAVER PATHWAY TO THE PIER AND BEACH COVE. NATIVE SHORELINE PLANTINGS WILL BE INSTALLED PER THE PLANTING PLAN.

VICINITY MAP



PLEASE NOTE THAT THE SHORELINE CONFIGURATION AND PROPERTY LINE LOCATIONS ARE APPROXIMATE ONLY. THIS SITE PLAN IS BASED ON A SURVEY BY CASCADE LAND SURVEYING DATED 8/7/2015.

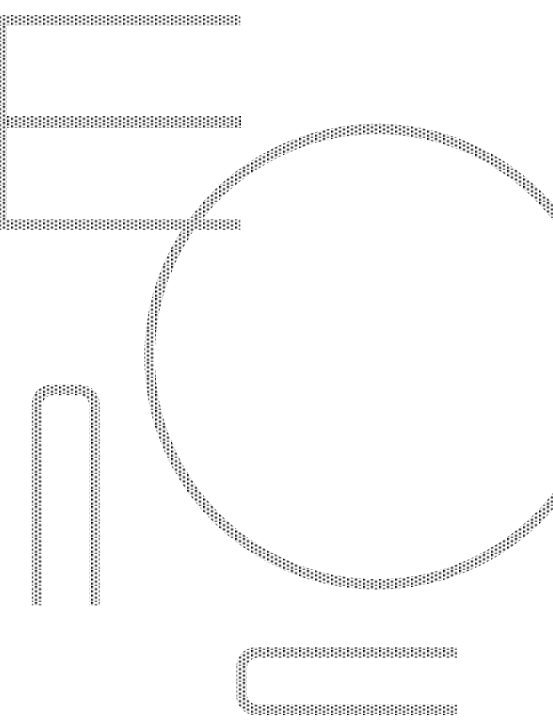


ECCO

Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

PROJECT INFO SITE PLAN

DATE: 3/8/2019
REVISIONS:



MCSHANE PIER & COVE
9537 NE LAKE WASHINGTON BLVD.
BELLEVUE, WA 98004

A1.0

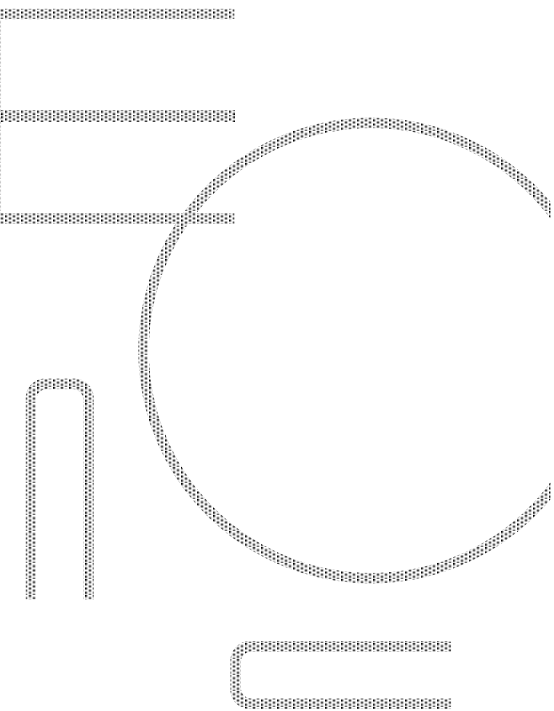


ECCO

Architecture & Design
203 N 34th Street, Ste. 201
Seattle, WA 98103

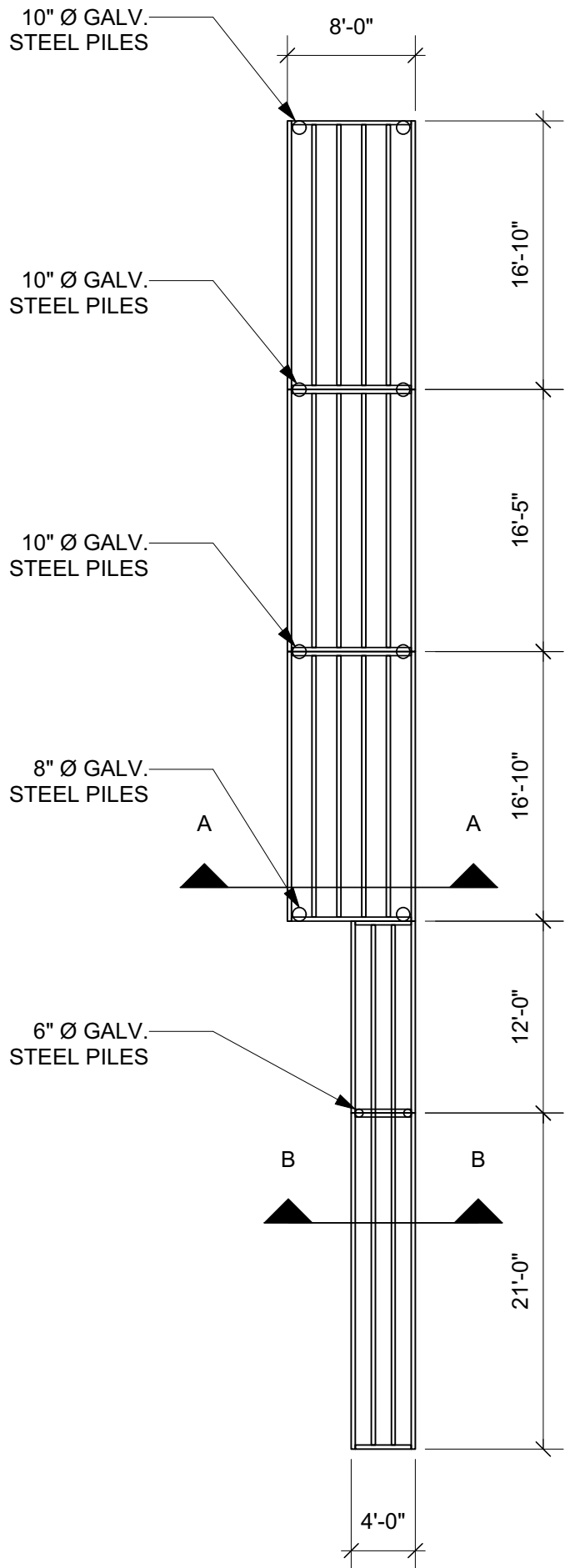
FRAMING PLAN
ELEVATION
SECTIONS
PLANTING PLAN

DATE: 3/8/2019
REVISIONS:

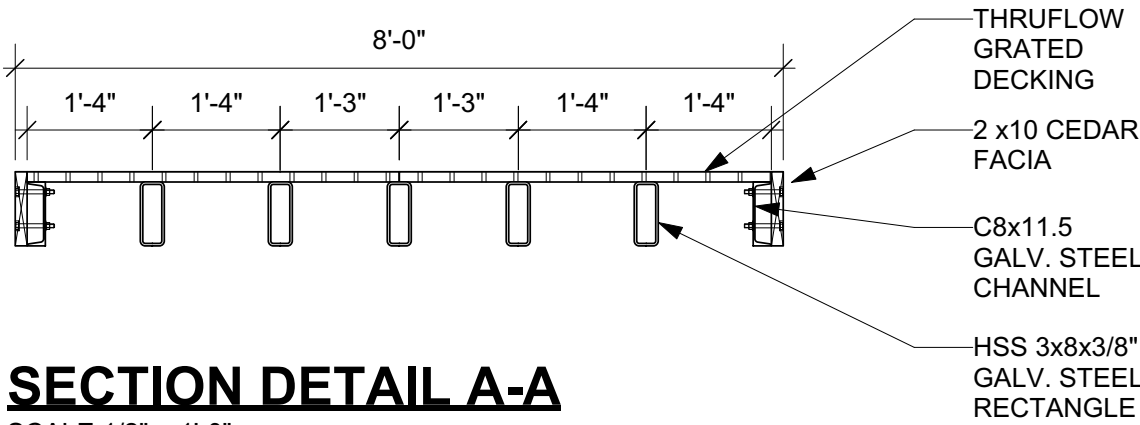


MC SHANE PIER & COVE
9537 NE LAKE WASHINGTON BLVD.
BELLEVUE, WA 98004

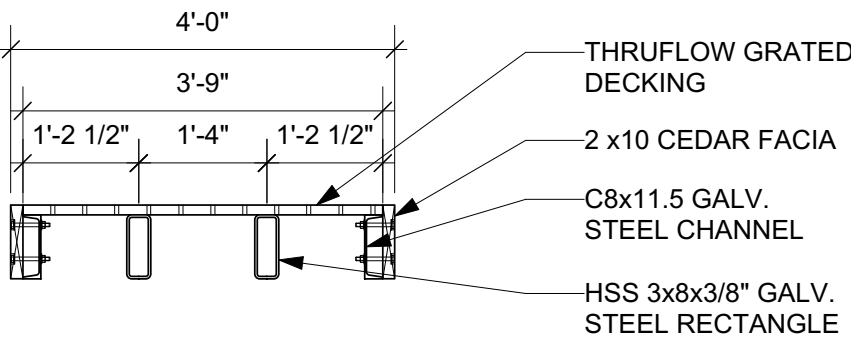
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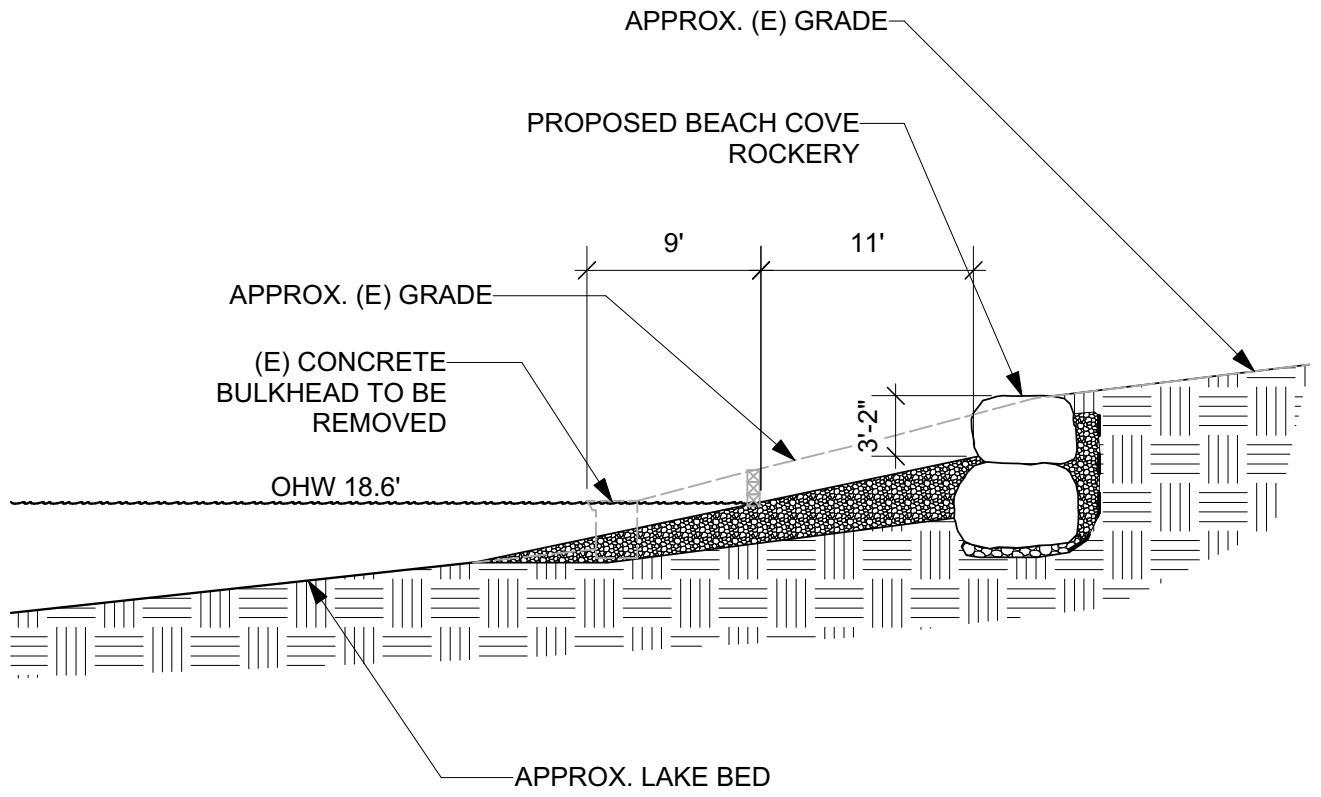
PIER PILE PLAN
SCALE 1" = 10'-0"



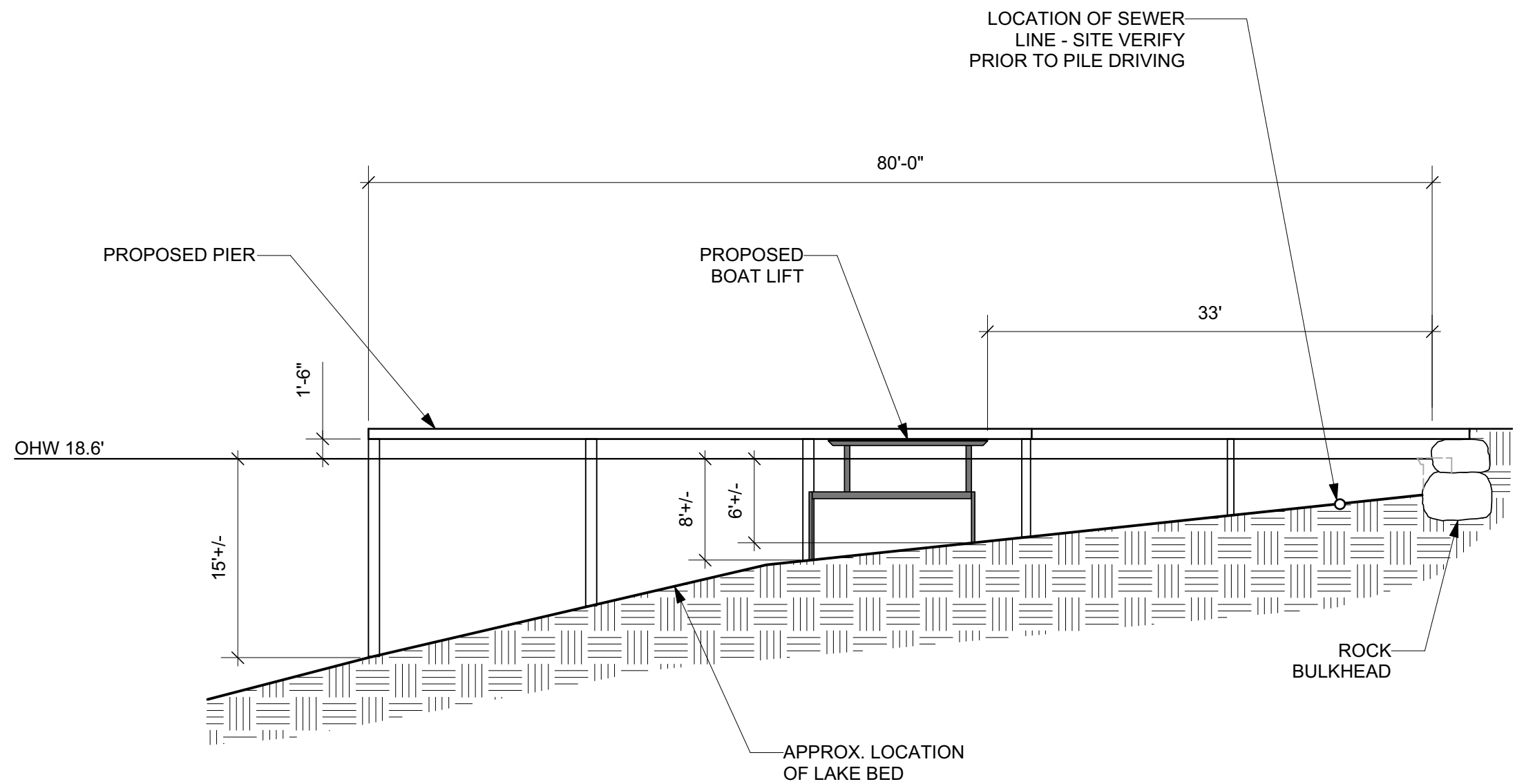
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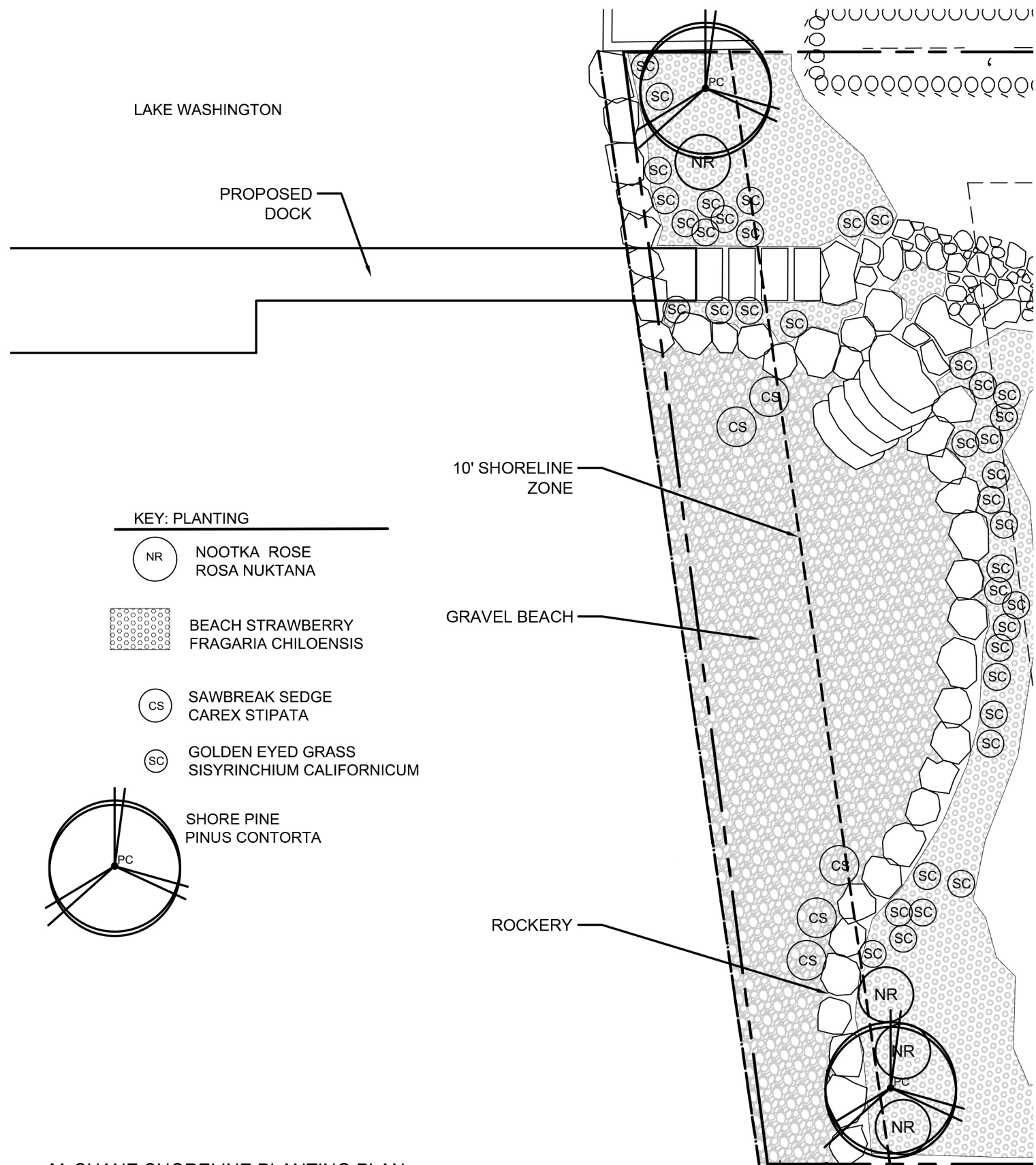
SECTION DETAIL B-B
SCALE 1/2" = 1'-0"



BEACH COVE SECTION
SCALE 1" = 10'-0"



ELEVATION
SCALE 1" = 10'-0"



McSHANE SHORELINE PLANTING PLAN
1"=10'-0"

Ecological No Net Loss Assessment Report

Prepared for

Jeff McShane

9537 NE Lake Washington Blvd.

Bellevue WA 98004

Prepared by



Northwest Environmental Consulting, LLC

3639 Palatine Avenue North

Seattle, WA 98103

206-234-2520

February 2020

Purpose

The purpose of this report is to fulfill the requirements of City of Bellevue Land Use Code (LUC) 20.25E.060.B.3 and 20.25E.060.D.2, by assessing overall project impacts and proposed mitigation to determine if the project meets the “No Net Loss” Regulation of the Shoreline Master Program for a dock that is larger than prescribed standards under 20.25E.065.H.4.

No Net Loss is defined as “An ecological concept whereby conservation losses in one geographic or otherwise defined area are equaled by conservation gains in function in another area.”

Location

The project is located at 9518 SE 15th Street in Bellevue, Washington. (see Attachment A – Sheet A1.0). The parcel is on the waterfront of Lake Washington, which contains several endangered fish species listed under the Endangered Species Act and Washington State designated priority fish species.

Project Description

The McShane Family is planning to repair a bulkhead and partially remove a section to construct a cove, and to replace and reconfigure an existing dock at an existing home on their waterfront property on Lake Washington. The site is within the shoreline of the state and is regulated under the shoreline code for the City of Bellevue.

The project involves repairing a failing concrete bulkhead and replacing it with rock in a new configuration to create a cove. In addition to the bulkhead work, the project will also reconfigure the existing dock. The project includes removing existing concrete and timber steps, creating a new coved beach, and constructing two new sets of rock steps for beach access and dock access. The existing pier will also be replaced with a reconfigured pier. Project drawings are included in Appendix A – Drawings. Additional figures are provided in Appendix B. Appendix C contains site photos.

The project is necessary to prevent erosion of the shoreline and loss of structures along the water front.

Approach

Biologists from Northwest Environmental Consulting, LLC (NVEC) conducted office-based research, as well as a site visit in January 2017, to determine the presence of any critical areas at the project site. The site lies within the shoreline critical areas buffer, and is also shown to be habitat for species of local importance, primarily listed fish species that could be affected by the proposed project. No other critical areas are present within 200 feet.

Site Description

The property and adjacent properties are single-family homes. Vegetation consists of lawns and a mix of native and ornamental landscaping. The shoreline consists of a failing rock bulkhead. A beach is exposed during low water conditions in Lake Washington. Substrates along the shoreline include sand and gravel, with some cobble and debris mixed into the sediments. No vegetation is present waterward of the bulkhead. Photos of the site are shown in Appendix B – Photos.

The project is on a waterfront lot on the shores of Lake Washington. No wetlands or streams were present on the subject or adjacent properties. Lake Washington is a water of the U.S. and is designated as a Shoreline of the State by the City of Bellevue.

Species Use

Salmon species are present within Lake Washington, including species listed under the federal Endangered Species Act (ESA). Listed species include Puget Sound Chinook (threatened), Puget Sound steelhead (threatened), and bull trout (threatened). Other species of important local significance include kokanee, cutthroat trout, Coho salmon, and sockeye. There are no fish-bearing stream outlets within a mile of the site.

Project Impacts and Conservation Measurements

Direct Impacts:

The proposed project will demolish an existing, failing concrete bulkhead, replace it with a rock bulkhead backed with crushed rock backfill and filter fabric, and reconstruct access stairs to the beach. The bulkhead will include a new cove set back into the property. Existing debris will be removed from below the waterline, and gravels will be added to the beach.

The existing pier will be removed and replaced by a reconfigured pier with grated decking. A comparison table is below:

Table 1 Overwater and Bottom Coverage Comparison

	Decking Coverage (SF)	Total (SF)	Converted Total* (SF)	Bottom Coverage (SF)
Existing Dock	600	600	600	14.75
Proposed Dock	520	520	296	3.16
Net Reduction	80	80	304	11.55

* Converted for change to grated/translucent materials. The grating performance is estimated to allow 43 percent of ambient light to penetrate to the bottom (ThruFlow 2017).

Direct impacts are as follows:

1. **Sediments:** During demolition, construction, and barge movement, silts and sediments will be disturbed along the shoreline. Some sedimentation may also be caused during construction of the mitigation planting and topsoil installation along the shoreline. Sediment suspension is expected to be short-term and localized. Small salmonids could be temporarily displaced or stressed by increased turbidity, though the sediment containment curtain is expected to effectively contain this turbidity.
2. **Noise:** Construction equipment, including the crane, excavator, and vibratory pile driver, will create construction noise audible to neighbors and in-water in the action area. Noise disturbance will be short-term, but could temporarily stress or displace any salmonids in the vicinity. Noise from pile driving will not reach the injury threshold for juvenile or adult salmonids (183 dB for juveniles, 187 db for adults). Noise levels are available for steel piles 12 inches in diameter; vibratory driving just barely reaches the behavioral disturbance threshold of 150 dB SEL. Twelve-inch piles may reach 155 dB (WSDOT 2017). The largest pile size to be used for this project is 10 inches in diameter. The area of potential fish behavioral disturbance is very small, less than 200 feet, but is probably much less.

Indirect Impacts:

Indirect impacts include an altered shoreline where a cove and rocks will replace the currently straight concrete bulkhead. Altered vegetation will create shade where shoreline is currently exposed to full or partial sun. New habitat area will be created at the waterline, enhanced by added gravel.

Reduction of overwater coverage will expose more of the bottom to sunlight and allow aquatic vegetation to grow. Converting the deck surface to grating will reduce the light-dark interface in the water resulting in less predation on juvenile fish along the shoreline.

Cumulative Effects:

The project supports continued recreational boating, which has been identified as a limiting factor for salmonid populations in Lake Washington. The project will not introduce additional boating to Lake Washington, as it replaces an existing dock that was already in use.

Other Conservation measures:

Work window: The work will be completed during the prescribed in-water work window for this area of Lake Washington (July 16 to April 30). Operating within this time frame helps protect Chinook salmon, steelhead, bull trout and other salmonid fish species.

Best Management Practices: Applicable BMPs will be used such as a sediment containment barrier (floating and anchored) around the in-water work area will contain any silt and sediment that may escape during demolition and construction. The barge will contain a perimeter containment sock to absorb oil and grease that may wash from the barge during construction.

Hazardous material containment materials such as spill absorbent pads and trained personnel will be required onsite during any phase of construction where machinery is in operation near surface waters.

Mitigation Strategy

Avoidance and Minimization

The bulkhead repair is necessary to maintain shoreline stability and prevent soils from eroding into Lake Washington.

Due to the steeper gradient of the site and wave action along Lake Washington, other alternatives such as soft engineering approaches and a low bank replacement are not feasible. The project used the least impacting bulkhead replacement strategy by adding 35 cubic yards of beach-nourishing spawning gravel and creating a cove to help dissipate wave energy and enhance aquatic habitat along the shoreline.

During construction, BMPs will be used to prevent turbid runoff from entering Lake Washington and a silt curtain will be installed during bulkhead work to prevent any turbidity from moving off site. All construction debris will be removed from the site and exposed soils will be stabilized.

Mitigation Approach

The City of Bellevue requires a minimum 10-foot strip of native plantings be planted along the shoreline. A 10-foot planting strip along the shoreline will cover 1,097 square feet of shoreline. A cove is proposed which will enhance an approximate area of 60 feet by 20 feet along the shoreline. The estimated coverage of planting area will be 900 square feet including the cove.

Shoreline Function and Values Improvements

The existing buffer area along the shoreline of Lake Washington consists of a bulkhead, lawn, a few trees. The project will plant a 10-foot strip along the shoreline and add a pocket cove.

These improvements will increase the buffer functions and values by creating a native plant buffer between the house and Lake Washington that will increase screening, filtering of runoff, and vertical natural structure along the lake edge, and will provide some food sources for songbirds and other native fauna that use the Lake Washington shoreline.

In addition, a 197-square-foot cove will be constructed where bulkhead currently exists. The cove will provide safe access to the beach and benefit fish and wildlife, and will help dissipate wave energy along the shoreline. In addition, approximately 35 cubic yards of spawning gravel will be added along the shoreline. This material will help with shoreline stabilization at the site and adjacent areas, and enhance substrate conditions in the cove and along the bulkhead.

The replacement pier will be smaller overall and allow more light penetration to the bottom, improving habitat quality and connectivity (by eliminating the potential barrier of a sharp light/dark interface).

Proposed Mitigation

Mitigation Goals

Mitigation goals will include the following:

- Enhance 900 square feet of Critical Area Buffer with native plantings.
- Construct a 197-square-foot beach cove where a bulkhead is currently in place and add 35 cubic yards of spawning gravel.

Performance Standards

Buffer plantings shall maintain a 100% survival for the first and second year and achieve 80% survival in years 3, 4, and 5. For proper functioning, species diversity will be maintained. The planting areas will maintain a minimum of 3 shrub species and 5 ground cover species for the 5-year monitoring period.

Planting Plan

Shrubs and groundcovers will be containerized or bare root. The planting layouts, details, and quantities are shown in Appendix C – Planting Plan.

Schedule and Maintenance

Plantings shall be installed after completion of the bulkhead construction. Watering will be required for at least the first year after planting during the summer months, and any invasive plants removed.

Monitoring and Contingency

To ensure that the performance standards are met, plantings will be counted in August or September for survival for the first and second year. All dead plantings will be replaced with similar native plants so that 100% survival is reached for the first and second year.

Subsampling can be completed to assure that the 100% survival is reached. In years 3, 4 and 5 all shrub plantings will maintain an 80% survival rate. All dead plantings will be replaced with similar native plants so that 80% survival is reached for the remaining years. Survival rates will be figured from the amount of plants that were planted in the planting plan.

English ivy should be removed by hand-pulling from the planting area (most of the ivy will be removed during demolition of the current rock wall). No herbicides will be used within 15 feet of the waters edge to control invasive species.

Reporting

An as-built report with drawings and photographs demonstrating the plants have been installed per plans. This as-built (Year 0) documentation is to be submitted, labeled with the reference number NWS-2016-965, to the U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps) for review and approval within 12 months from the date of permit issuance.

Monitoring reports shall be prepared and submitted to City of Bellevue annually on years 1-5. In addition, monitoring reports will be sent to the Corps of Engineers by October 31 of each monitoring year. The Monitoring report must include at a minimum, written and photographic documentation on plant mortality and replanting efforts, and document whether the performance standards are being met. Photos will be taken from established points and used repeatedly for each monitoring year. In addition to photos at designated points, photo documentation must include a panoramic view of the entire planting area.

Conclusion

Salmon species are present within Lake Washington, including species listed under the federal Endangered Species Act (ESA). Listed species include Puget Sound Chinook (threatened), Puget Sound steelhead (threatened), and bull trout (threatened). Other species of important local significance include kokanee, cutthroat trout, Coho salmon, and sockeye. There are no fish-bearing stream outlets within a mile of the site.

The project will overall have a net benefit to the nearshore environment. There will be temporary impacts from noise and disturbed sediments during demolition and reconstruction of the pier, and during work on the bulkhead and cove. However, these impacts are offset by a permanent 80-square-foot reduction in total overwater shading, and a functional reduction of about 300 square feet of the pier's shading by installing ThruFlow grated decking throughout. This grating will reduce the hard shadows favored by salmonid predators and increase productivity in waters under the pier. The cove will soften the shoreline and provide nearshore habitat preferred by juvenile salmonids over a bulkheaded shoreline. In addition, the cove will act as a beach which will attenuate wave action and reduce shoreline erosion. In addition, a mitigation planting strip will enhance shoreline conditions,

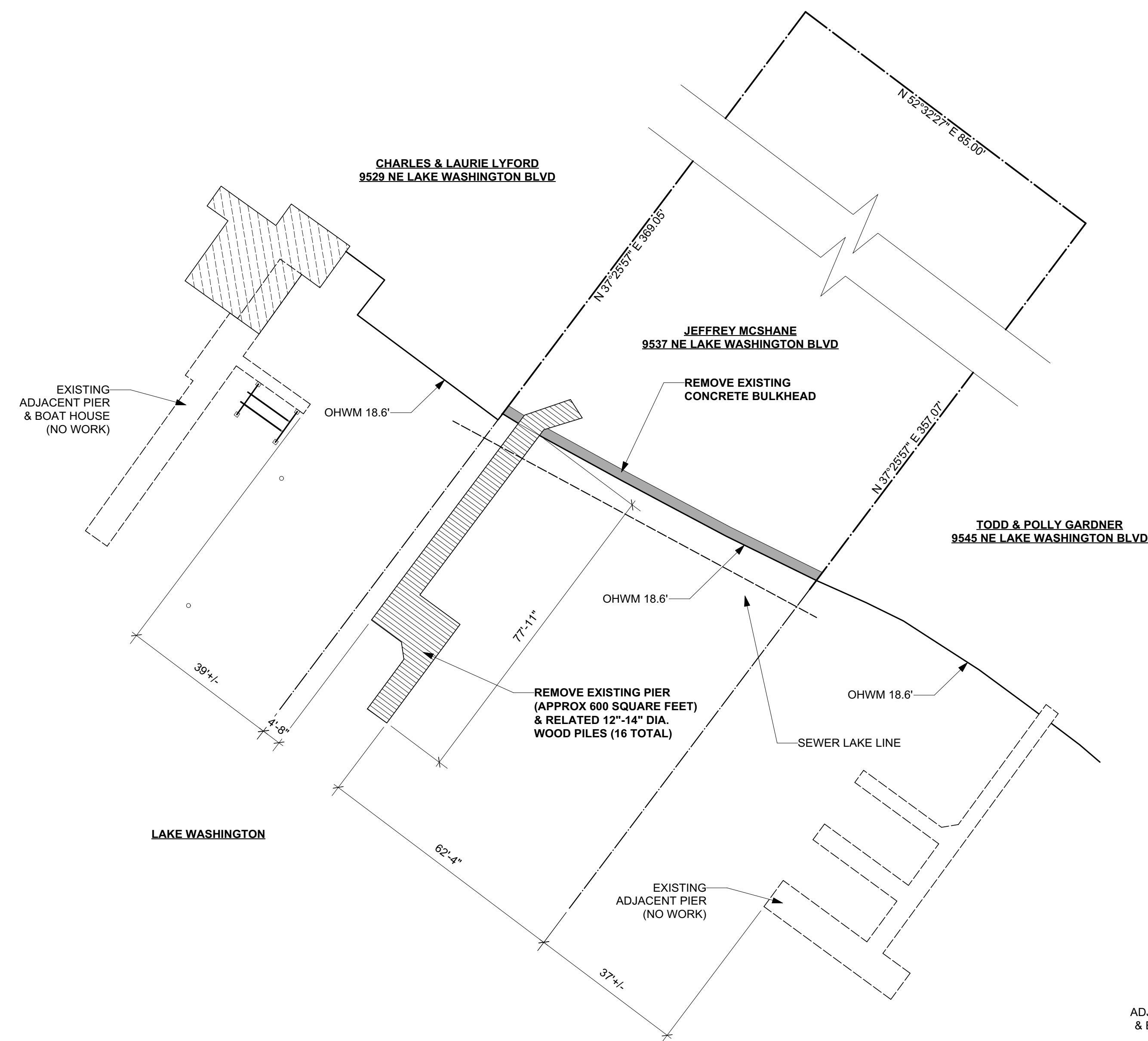
The project will follow the prescribed fish windows and use applicable BMPs to prevent construction spills and turbidity from occurring.

This project has been designed to meet current residential dock standards and will use Best Management Practices to reduce project impacts. The conservation measures are designed to improve ecological functions or prevent further degradation of habitat and **will result in No Net Loss of ecological functions** at the site. Mitigation measures including reduction in overwater coverage, addition of a cove and shoreline plantings will **enhance ecological functions** at the site.

REFERENCES

- King County iMap. 2019. Interactive property and critical areas mapping tool.
<http://www.kingcounty.gov/operations/GIS/Maps/iMAP.aspx>. Queried December 2016.
- Washington Department of Fish and Wildlife. 2019. SalmonScape interactive mapping tool.
<http://fortress.wa.gov/dfw/gispublic/apps/salmonscape/default.htm>. Queried February 2018.
- Washington Department of Transportation (WSDOT), 2019.
<https://www.wsdot.wa.gov/Environment/Biology/BA/BAguidance.htm>

Attachment A: Drawings



EXISTING SITE PLAN
SCALE 1" = 20'-0"

Best Management Practices

1. In water work shall be restricted to work windows established by Washington Department of Fish and Wildlife and US Army Corps of Engineers.
2. No stockpiling or staging of material will occur below OHW.
3. No solvents or other chemicals will be used in or over the water during the construction or operation of the proposed action.
4. No waste material, including material associated with treated wood decks, will enter the waterbody.
5. All waste material and construction debris will be collected and disposed of at an approved facility that is in compliance with the Endangered Species Act.
6. All floating debris generated during construction will be retrieved, removed, and disposed of at an approved upland location.
7. All equipment that will operate over water or below OHWM or MHHW will be cleaned of accumulated grease, oil, or mud. All leaks will be repaired prior to arriving on site. Equipment will be inspected daily for leaks, accumulations of grease, etc., and any identified problems will be fixed before operating over water or below the OHWM or MHHW.
8. Two oil absorbing floating booms, appropriate for the size of the work area, will be available onsite whenever heavy equipment operates within 150 feet of open water and there is a potential for hazardous materials to enter surface waters. The booms will be stored in a location that facilitates immediate deployment in the event of a spill.
9. Work done by barge will be done with a crane and a guide on the end of the barge for placement of the piling in specific locations. The working barge will be kept in place with steel spuds or large steel piles that act as anchors at each corner of the barge to prevent the barge from grounding out. The barge will not ground or rest on the substrate or be over or within 25 feet of vegetated shallows (except where such vegetation is limited to State-designated noxious weeds).
10. Fueling and servicing of equipment will be confined to an established staging area that is at least 150 feet from open water or wetlands. Spill containment systems must be adequate to contain all fuel leaks.
11. Equipment and vehicles will be stored in established staging areas when not in use (excluding cranes, which cannot be easily moved).
12. A written spill prevention, control, and countermeasures plan will be prepared for activities that include the use of heavy equipment. The plan will describe measures to prevent or reduce impacts from accidental leaks or spills, and will contain a description of all hazardous materials that will be used, proper storage and handling, and monitoring methods. A spill kit will be available onsite during construction and stored in a location that facilitates immediate deployment if needed.
13. Treated wood and other material shall be the least toxic according to industry standards. Treated wood used shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use. Wood treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds is prohibited for decking or piling.

PROJECT INFORMATION

OWNER:
JEFFREY MCSHANE

SITE ADDRESS:
9537 NE LAKE WASHINGTON BLVD
BELLEVUE, WA 98004

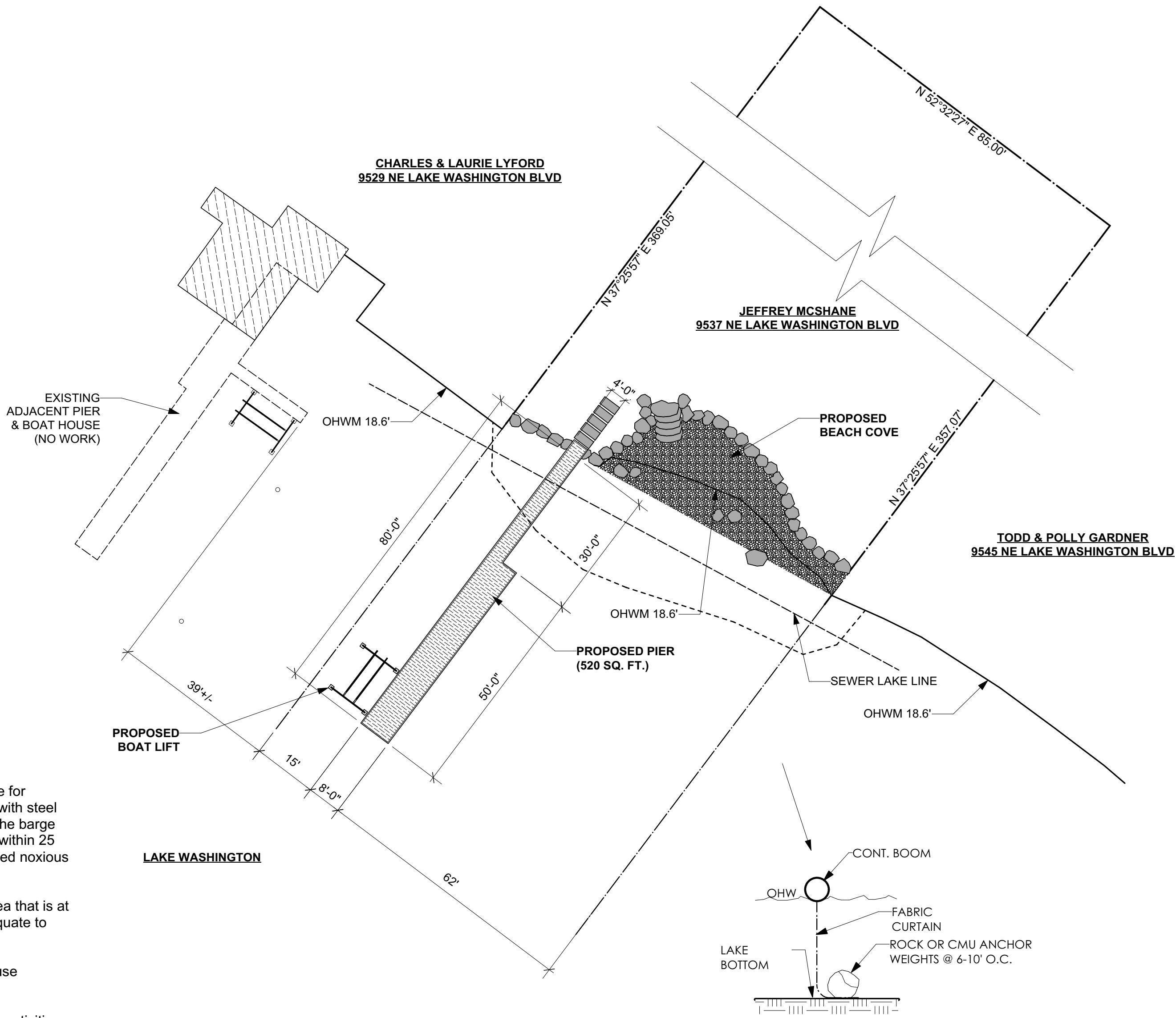
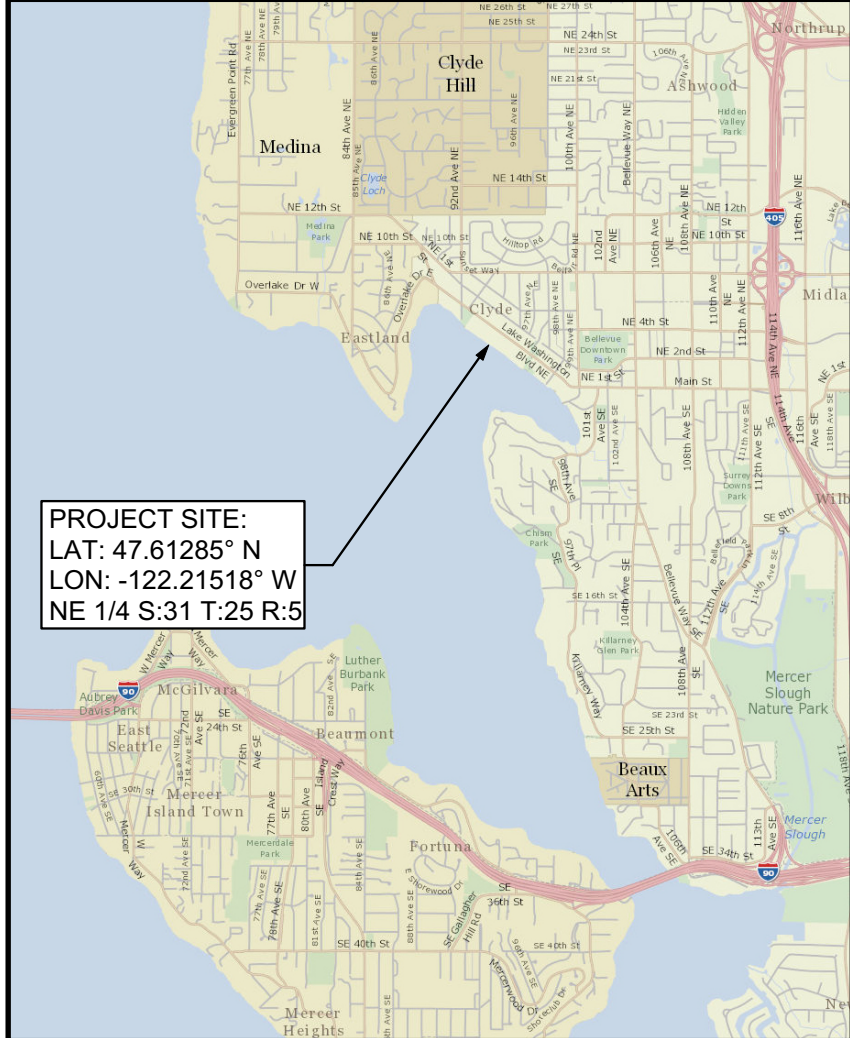
PARCEL NUMBER:
4389200840

BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
LOCHLEVEN POR LY SWLY OF LK WASH BLVD &
SH LDS ADJ
PLAT BLOCK: 15
PLAT LOT: 11

PROJECT DESCRIPTION:
DEMO AN EXISTING PIER (600 SQ. FT.) AND
CONSTRUCT A NEW PIER (520 SQ. FT.). INSTALL
A NEW BOAT LIFT. REMOVE AN EXISTING
CONCRETE BULKHEAD AND CONSTRUCT A
BEACH COVE. NATIVE SHORELINE PLANTINGS
WILL BE INSTALLED PER THE PLANTING PLAN.

VICINITY MAP



PROPOSED SITE PLAN
SCALE 1" = 20'-0"



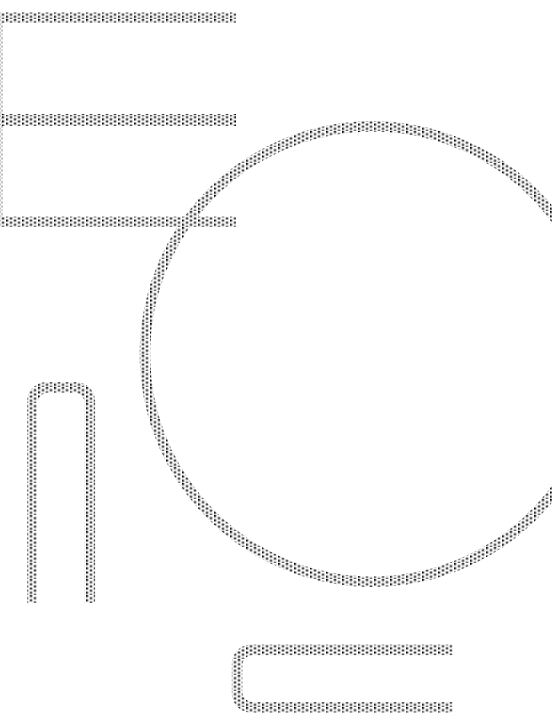
ECCO

Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

PROJECT INFO SITE PLAN

DATE: 2/26/2018

REVISIONS:



MCSHANE PIER & COVE
9537 NE LAKE WASHINGTON BLVD.
BELLEVUE, WA 98004

A1.0



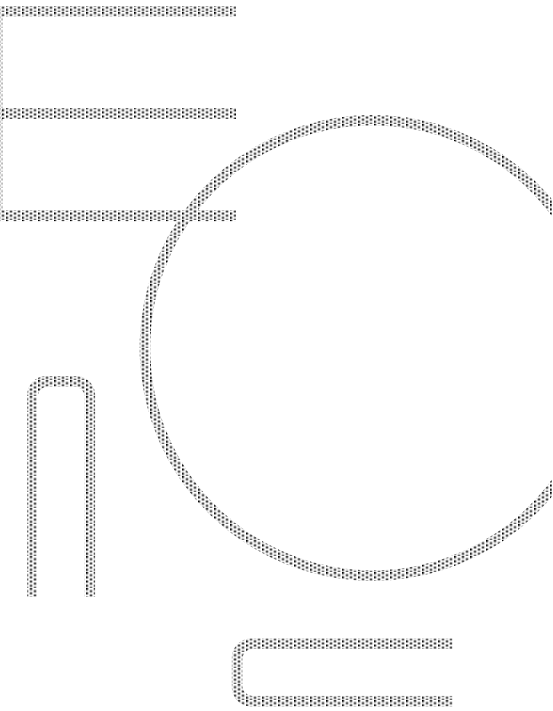
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Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

FRAMING PLAN
ELEVATION
STRUCTURAL DETAIL

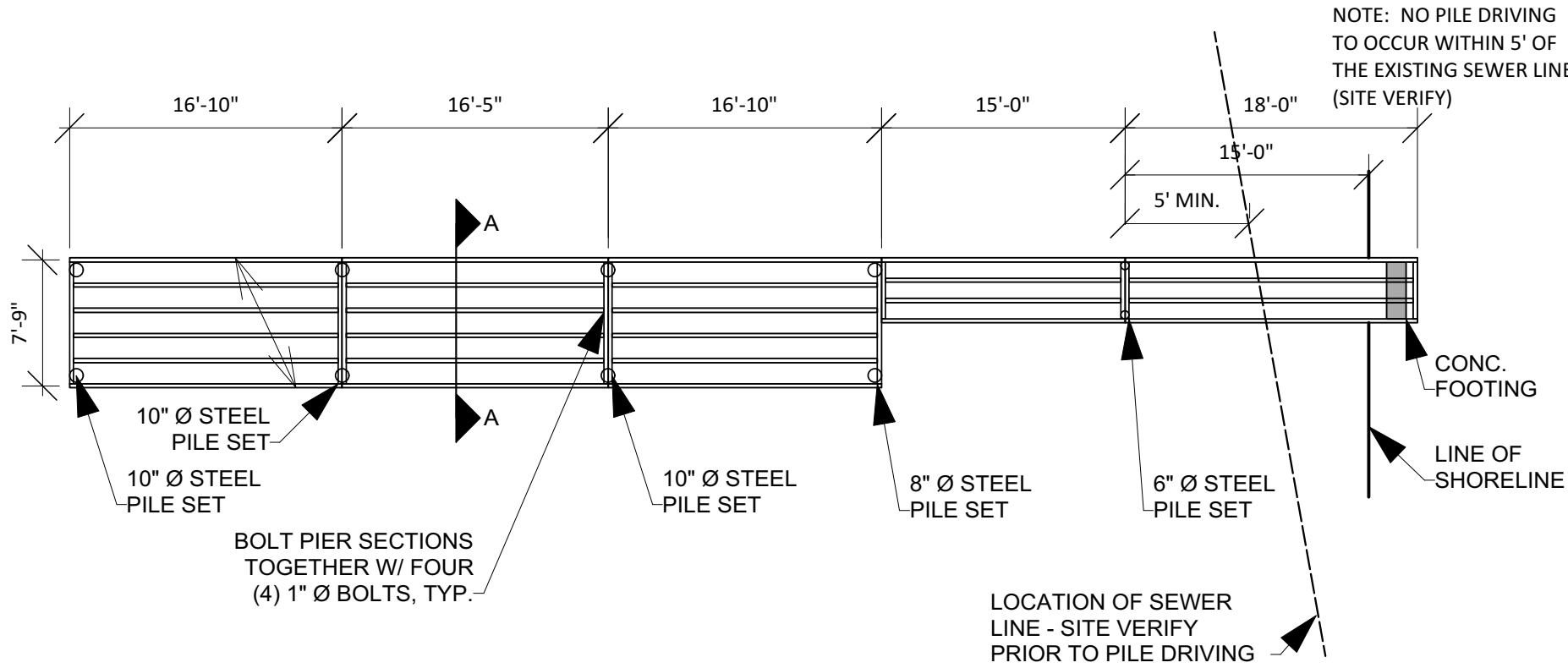
DATE: 2/26/2018

REVISIONS:

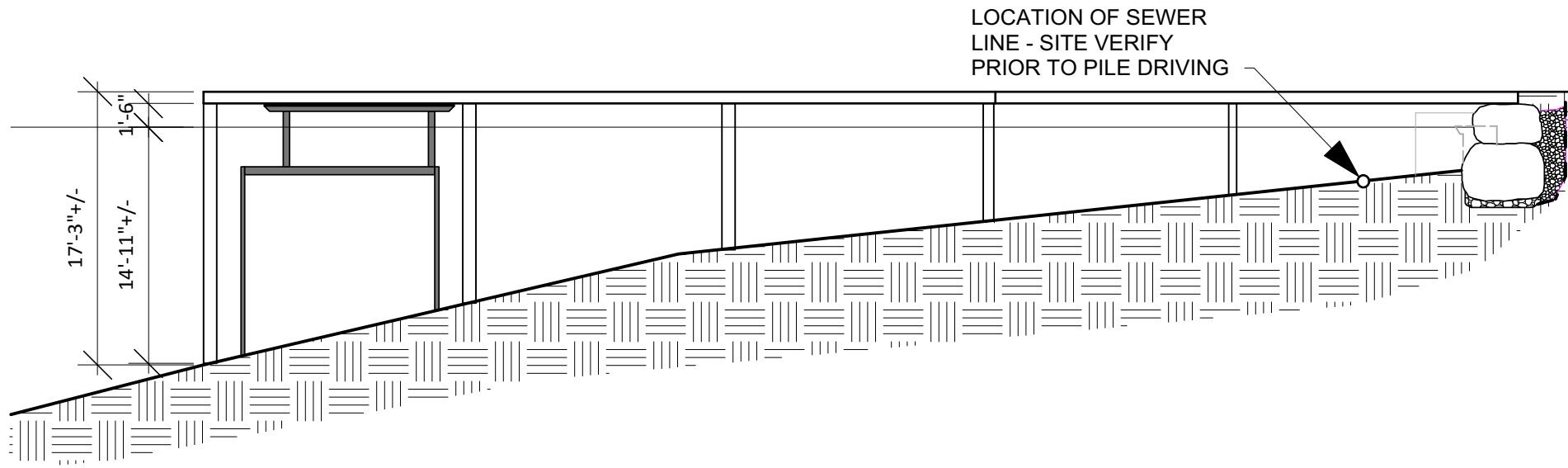


MC SHANE PIER & COVE
9537 NE LAKE WASHINGTON BLVD.
BELLEVUE, WA 98004

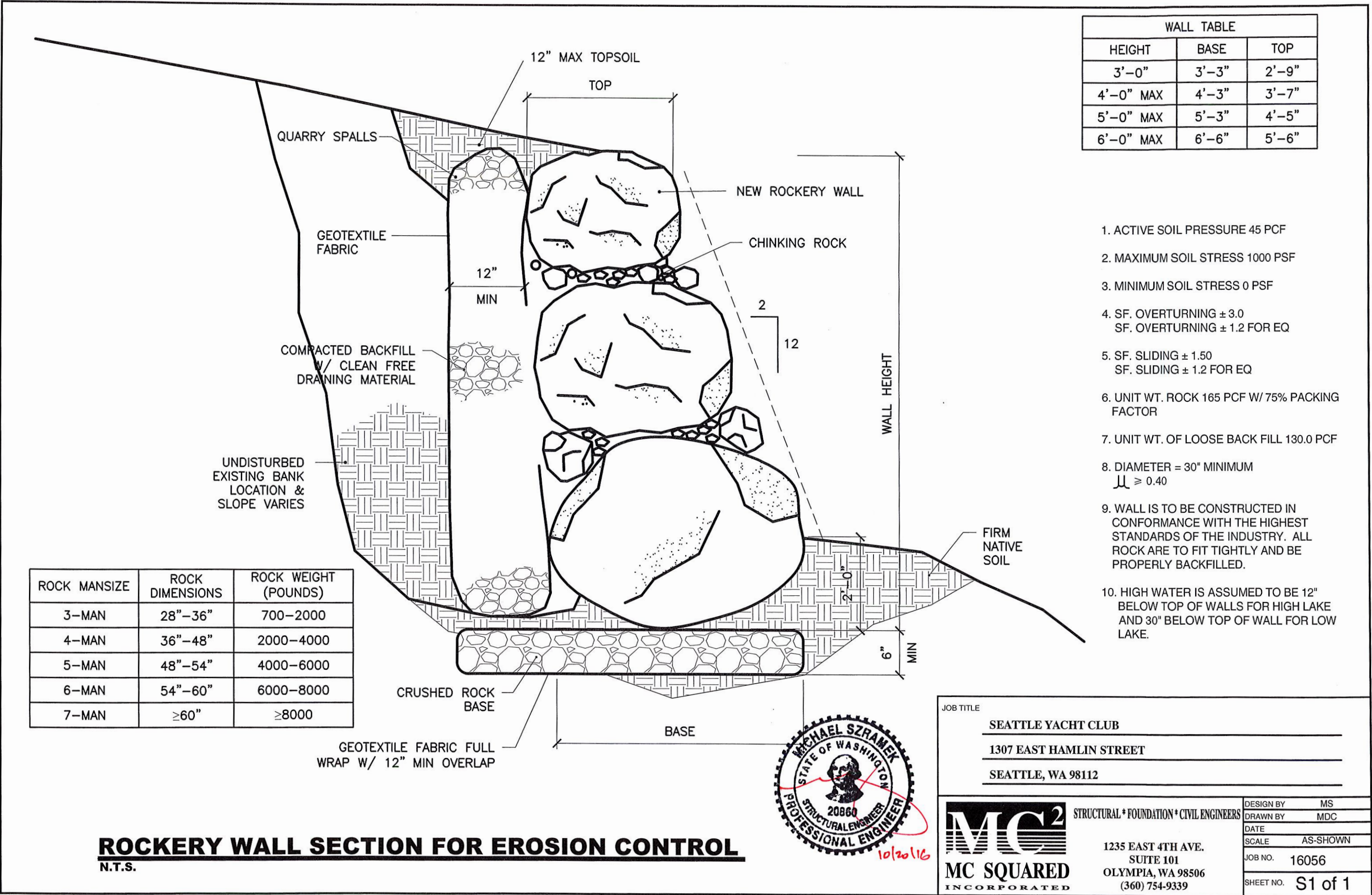
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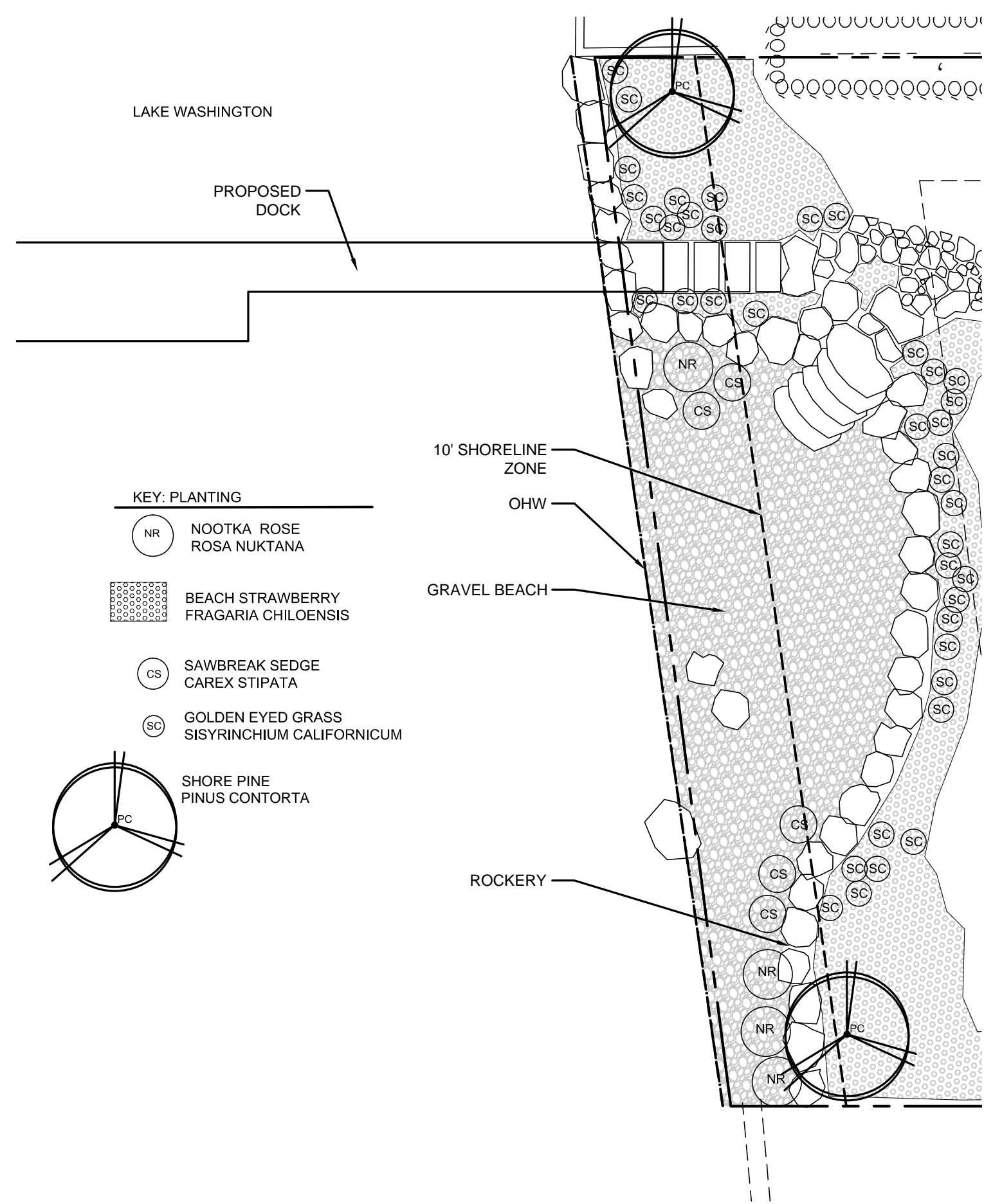
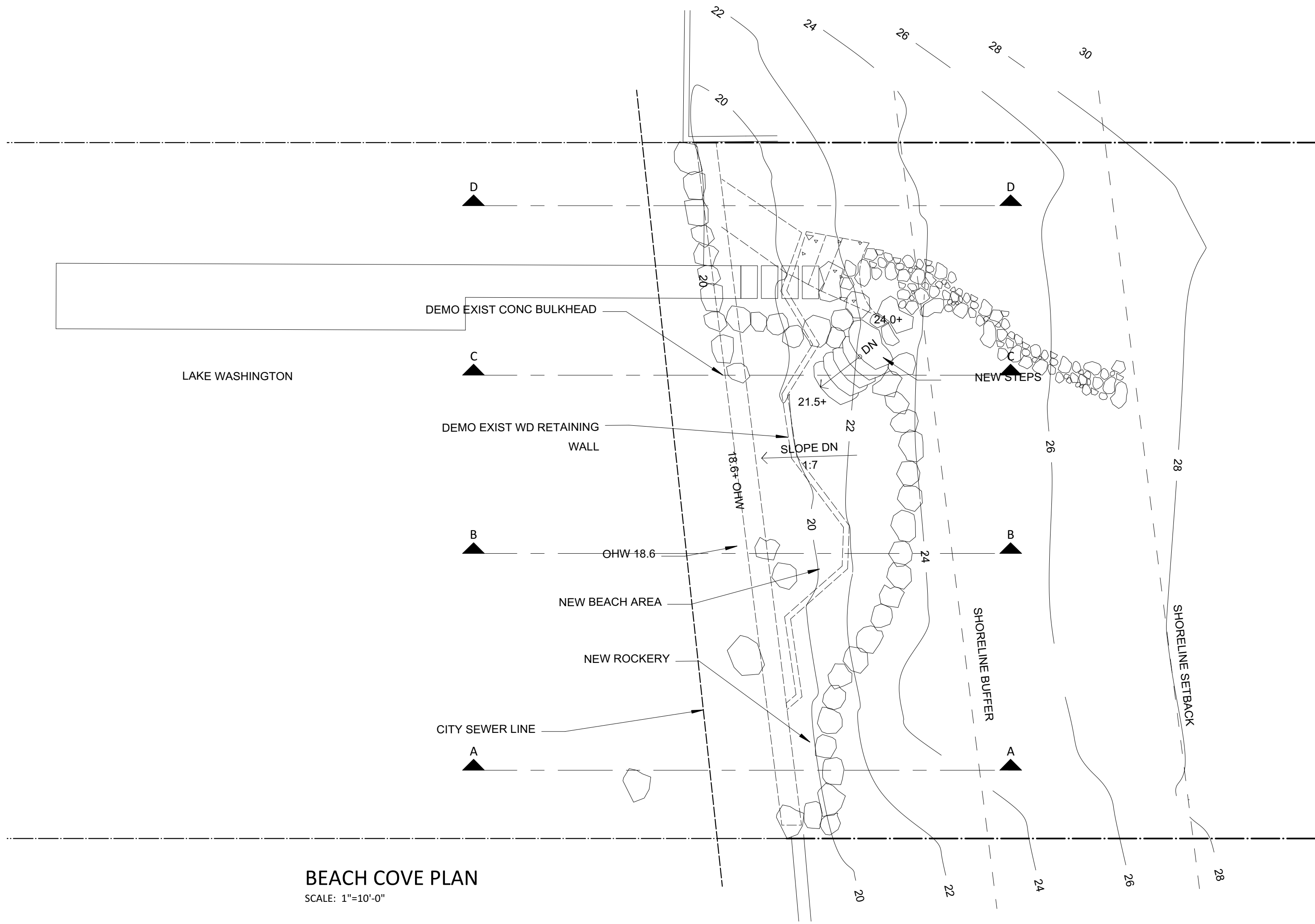


PIER PILE AND FRAMING PLAN
SCALE: 1"=10'-0"

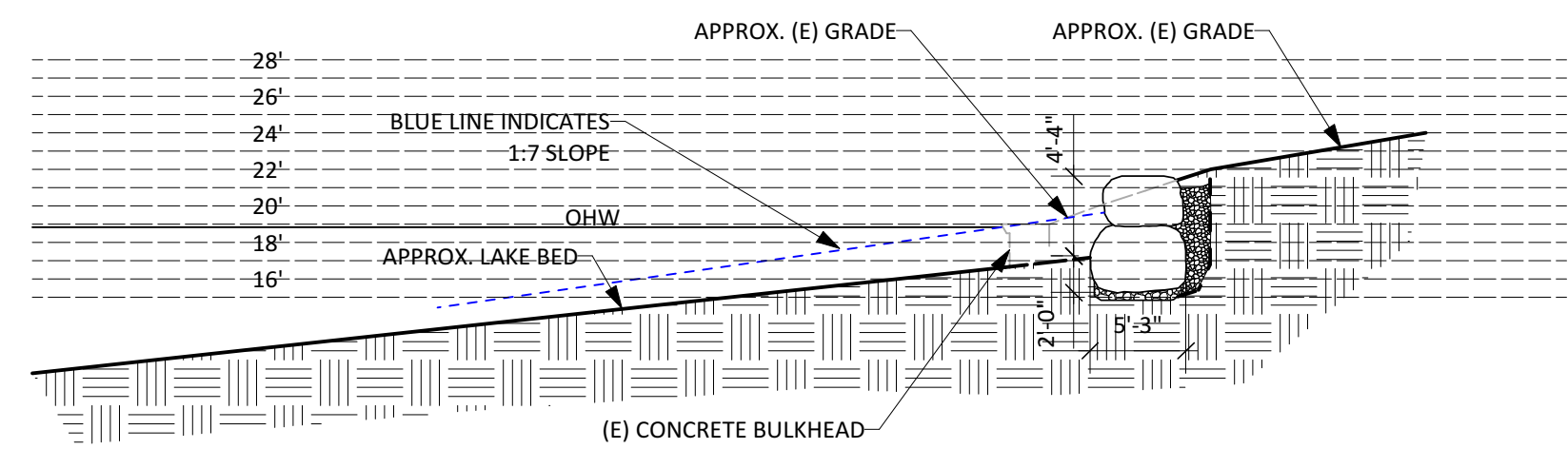
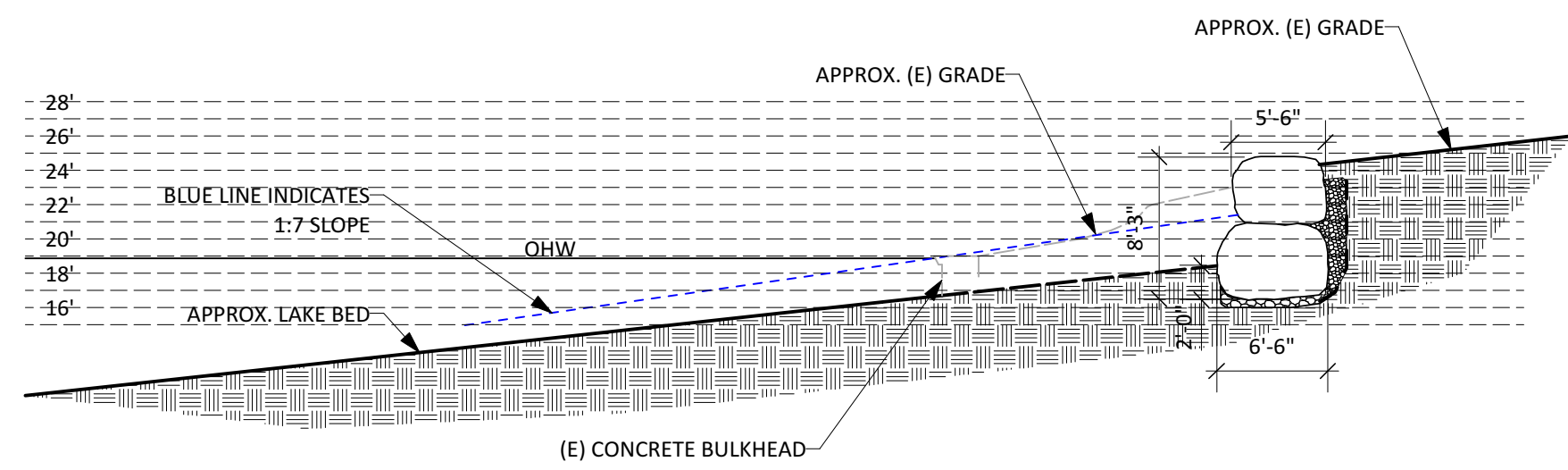
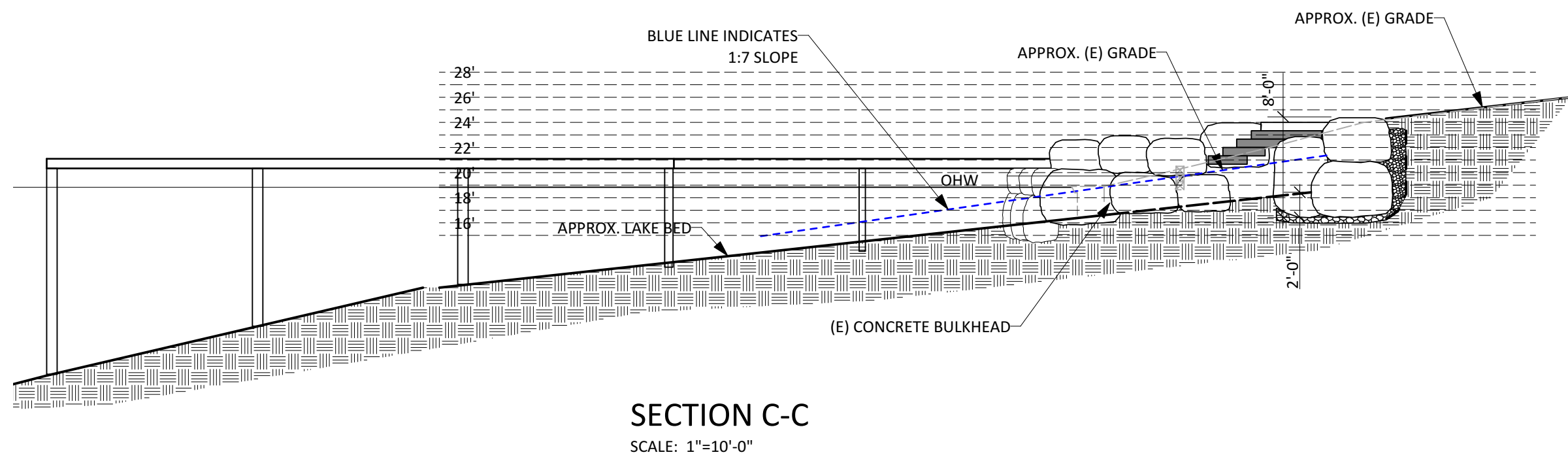
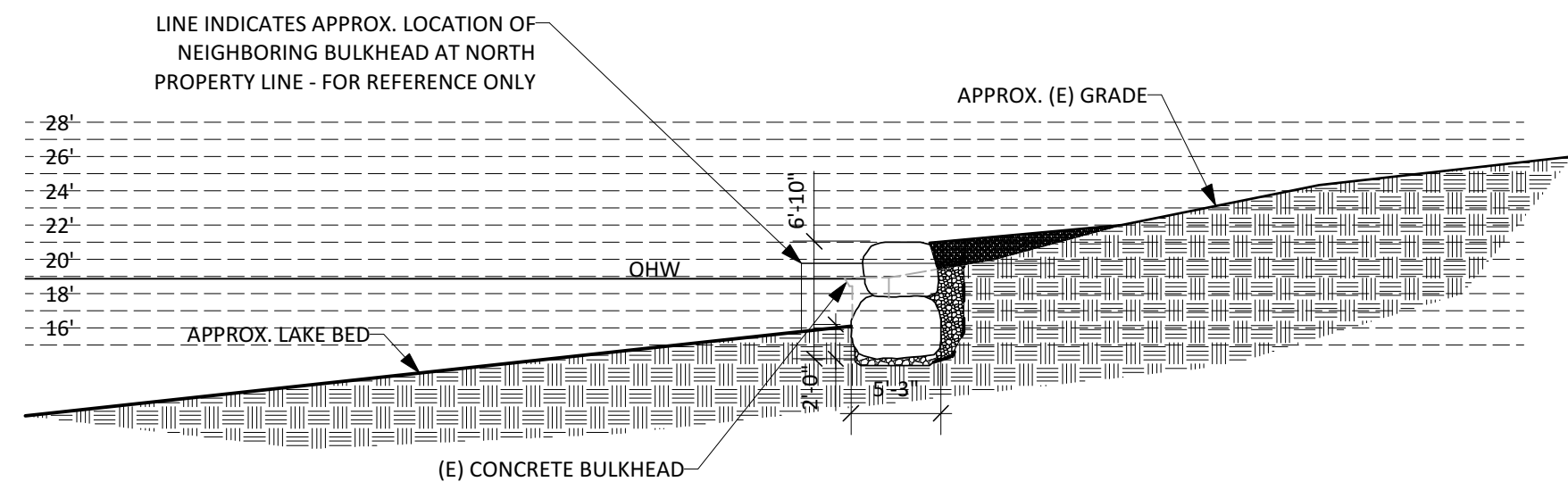


PIER ELEVATION
SCALE: 1"=10'-0"





SHORELINE PLANTING PLAN
SCALE: 1"=10'-0"



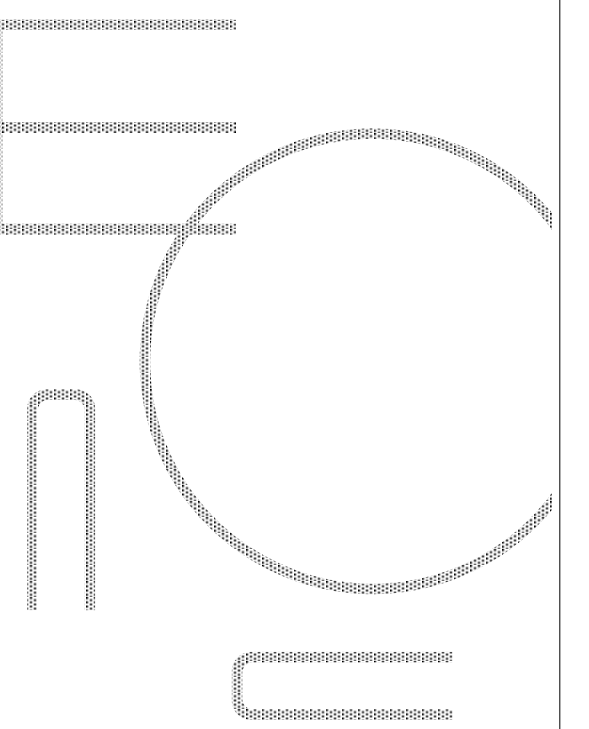
ECCO

Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

BEACH COVE PLAN PLANTING PLAN COVE SECTIONS

DATE: 2/26/2018

REVISIONS:



MCSHANE PIER & COVE
9537 NE LAKE WASHINGTON BLVD.
BELLEVUE, WA 98004

A3.0

Attachment B: Photos



From upland looking out at shoreline



Dock to be replaced



Existing concrete bulkhead



Existing concrete bulkhead



Shoreline with neighboring cove



Failing concrete bulkhead

